

in conjunction with a printer (which Nextel's expert has sworn is every device presently on the market that can receive a fax).

Respectfully submitted,

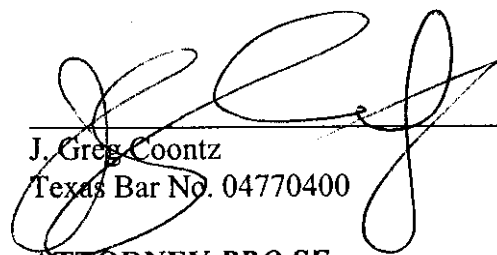
LAW OFFICE OF J. GREG COONTZ

217 Market Street

Burleson, Texas 76028

(817) 295-1195 Telephone

(817) 295-9444 Facsimile



J. Greg Coontz
Texas Bar No. 04770400
ATTORNEY *PRO SE*

1994 WL 76285 (F.C.C.), 74 Rad. Reg. 2d (P & F) 835, 9 FCC Rcd. 411

FCC 94-31

IN THE MATTER OF
IMPLEMENTATION OF SECTIONS 3(N) AND 332 OF THE COMMUNICATIONS ACT
REGULATORY TREATMENT OF MOBILE SERVICES

GN Docket No. 93-252

Adopted: February 3, 1994; Released: March 7, 1994

SECOND REPORT AND ORDER

By the Commission: Commissioner Barrett issuing a statement.

I. INTRODUCTION

1. This Report and Order revises our rules to implement Sections 3(n) and 332 of the Communications Act of 1934 (the Act), as amended by Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 (Budget Act). [FN1] The Budget Act was signed into law on August 10, 1993. On September 23, 1993, we adopted a Notice of Proposed Rule Making in this proceeding, [FN2] in which we sought comment on: (1) definitional issues raised by the Budget Act; (2) which existing mobile services and future mobile services should be classified as "commercial mobile radio services" (CMRS) under the statute and which should be classified as "private mobile radio services" (PMRS); and (3) which provisions of Title II of the Communications Act should not be applied to commercial mobile radio services. We have received 76 comments and 52 reply comments in response to the Notice in this proceeding. [FN3]

2. The Order reflects the Commission's efforts to implement the congressional intent of creating regulatory symmetry among similar mobile services. First, we interpret the statutory elements that define commercial mobile and private mobile radio service. Second, using these definitions, we determine the regulatory status of existing mobile services and of personal communications services (PCS). Third, for those services that will be classified as CMRS, we address the degree to which such services will be subject to regulation under Title II of the Act. We also address other issues raised in the Notice, including interconnection rights, and preemption of state regulatory authority over mobile service providers. [FN4] Additional issues raised by the Budget Act, such as revisions to our technical rules needed to implement the regulatory scheme discussed herein, will be addressed in a Further Notice of Proposed Rule Making to be issued shortly, and, consistent with the Budget Act, will be resolved by August 10, 1994. [FN5] We also anticipate that we will initiate several other proceedings to address related issues. [FN6]

II. BACKGROUND

A. LEGISLATIVE AND COMMISSION ACTIONS PRIOR TO BUDGET ACT

1. Regulatory Classification of Mobile Services

3. The Commission has a long history of regulating mobile radio services for the purpose of encouraging the growth of the mobile services industry so that consumers will have greater options for meeting their communications needs. The Commission has traditionally classified land mobile radio services [FN7] into two categories: private land mobile services and public mobile services. [FN8] Public mobile services are subject to common carrier regulation under Title II of the



Communications Act, which, among other things, requires common carriers to provide service upon reasonable request [FN9] and prohibits unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication services. [FN10] Common carriers are generally subject to state regulation of intrastate services if a state chooses to regulate those services. [FN11] In addition, Section 310(b) of the Communications Act limits alien ownership of common carrier radio licensees.

4. Private land mobile services, on the other hand, developed to provide service tailored to the needs of particular user groups, such as local governments, public safety organizations, and businesses requiring specialized services that common carriers could not readily provide. Most early private radio services were established to enable specific user groups to build their own systems for internal use. **As** the demand for private service grew, however, the Commission also authorized licensees in some services to offer "private carrier" service, i.e., service to limited groups **of** third-party users on a for-profit basis. [FN12] In either case, private radio was not subject to common carrier regulation at either the state or the federal level.

5. In 1982, Congress amended the Communications Act by adding Section 3(gg) and Section 332(c). The purposes of adding these provisions were: (1) to define private land mobile service; (2) to distinguish between private and common carrier land mobile services; and (3) to specify the appropriate authorities empowered to regulate these same services. [FN13] Section 3(gg) defined private land mobile service as "**a** mobile service ...for private one- way or two-way land mobile radio communications by eligible users over designated areas of operation." [FN14] In addition, Section 332(c)(3) preempted state authority to impose rate or entry regulation upon any private land mobile service.

6. The Commission interpreted Section 332(c)(1) of the Act as confirming that the commercial sale of interconnected telephone service was a common carrier offering, but also concluded that the statute allowed private land mobile services to interconnect with the public switched telephone network and retain their regulatory status so long as the licensee did not profit from the provision of interconnection. [FN15] In a parallel development, the Commission concluded that Section 332 allowed it to extend the range of eligible users for Specialized Mobile Radio (SMR) and Private Carrier Paging (PCP) services, enabling licensees in these services to offer service to a broad customer base with only minimal restrictions. [FN16]

7. The Commission's decisions, however, also created the prospect of direct competition between private land mobile services and similar common carrier services under disparate regulatory regimes. In 1991, for example, we authorized Fleet Call, Inc. (now **Nextel** Corp.) to develop an SMR system that Fleet Call claimed would offer wide-area, digital voice and data service comparable or superior to cellular in quality. [FN17] Similarly, the liberalization of the Commission's PCP rules made it difficult for consumers to distinguish private paging from common carrier paging. Because of the greater degree of regulation imposed on common carriers (federal and state regulation) than on private carriers, common carriers argued that continuing to treat wide- area SMRs and PCPs as private carriers placed competing common carrier services at a regulatory disadvantage. In 1992, this debate was given new urgency by the Commission's proposal to allocate spectrum to PCS. [FN18] In its PCS proposal, the Commission left open the question of whether PCS would be treated as a common carrier service, a private carrier service, or a combination of both. [FN19] The concern that a new generation of mobile services could be subject to inconsistent regulation caused many to argue that the existing regulatory regime should be revised.

2. Competitive Carrier Decisions

8. In its Competitive Carrier docket, the Commission classified common carriers with market power, such as the local exchange carriers (LECs) and American Telephone and Telegraph Company (AT&T), as dominant and thereby subject to full Title II regulation; carriers without market power ^{were} classified as non-dominant. Because non-dominant carriers lacked market power to control prices and

were presumptively unlikely to discriminate unreasonably, the Commission adopted for them a policy of forbearance from certain regulations. [FN20] These carriers were not required to file tariffs under Section 203 of the Act and were not subject to certain other Commission regulations adopted pursuant to the authority of other Title II provisions. Non-dominant carriers did, however, remain subject to the general common carrier obligations of Sections 201 and 202 of the Act, and to the enforcement of these obligations pursuant to complaint procedures under Section 208.

9. Title II has been applied to paging and cellular services in somewhat different manners. The Commission has declared domestic public land mobile carriers, which are primarily providing paging services, to be non-dominant in their provision of interstate services. [FN21] Cellular service was designated as dominant by the Commission although without any analysis of the market power of cellular carriers. [FN22]

10. Last year, however, the United States Court of Appeals for the District of Columbia Circuit found the Commission's forbearance policy of permissive detariffing to be inconsistent with Section 203 of the Act. [FN23] As a result of this decision, mobile common carriers began to file new tariffs for their interstate services.

B. BUDGET ACT REVISIONS

11. It is against this background that Congress enacted Section 6002(b) of the Budget Act to revise Section 332 of the Communications Act. The amended statute changes the prior regulatory regime in two significant respects. First, Congress has replaced the common carrier and private radio definitions that evolved under the prior version of Section 332 with two newly defined categories of mobile services: commercial mobile radio service (CMRS) and private mobile radio service (PMRS). CMRS is defined as "any mobile service (as defined in section 3(n)) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public." [FN24] PMRS means "any mobile service (as defined in section 3(n)) that is not a commercial mobile service or the functional equivalent of a commercial mobile service." [FN25]

12. Second, Congress has replaced traditional regulation of mobile services with an approach that brings all mobile service providers under a comprehensive, consistent regulatory framework and gives the Commission flexibility to establish appropriate levels of regulation for mobile radio services providers. Section 332(c) states that a person providing commercial mobile radio service will be treated as a common carrier, but grants the Commission the authority to forbear from applying the provisions of Title II, except for Sections 201, 202, and 208. Sections 332(c)(1)(A) and 332(c)(1)(C) identify the criteria for forbearance. The statute also preempt state regulation of entry and rates for both CMRS and PMRS providers. States, however, may petition the Commission for authority to regulate CMRS rates under some circumstances. [FN26] In addition, the Budget Act "grandfathers" the foreign ownership, as of May 24, 1993, of current private land mobile service providers that we reclassify as CMRS so that such providers are not required to divest their foreign ownership interests if they file a waiver request in a timely manner. [FN27] Finally, the statute requires the Commission to determine the regulatory status of PCS before February 6, 1994. [FN28]

Section 20.17 Requirements under Title II of the Communications Act,

(a) Commercial mobile radio services providers, to the extent applicable, must comply with Sections 201, 202, 206, 207, 208, 209, 216, 217, 223, 225, 226, 227, and 228 of the Communications Act, **47 U.S.C. §§ 201, 202, 206, 207, 208, 209, 216, 217, 223, 225, 226, 227, 228**; part 68 of this chapter, **47 C.F.R. Part 68**; and sections 1.701-1.748, and 1.815 of this chapter, **47 C.F.R. 66 1.701-1.748, 1.815**.

(b) Commercial mobile radio service providers are not required to:

(1) File tariffs for interstate service to their customers, or for interstate access service, or comply with sections 1.771-1.773 and part **61** of this chapter;

(2) File with the Commission copies of contracts entered into with other carriers or comply with other reporting requirements, or with sections 1.781-1.814 and 43.21 of this chapter;

(3) Seek authority for interlocking directors (section **212** of the Communications **Act**);

(4) Submit applications for new facilities or discontinuance of existing facilities (**Section 214** of the Communications Act).

(c) Nothing in this section shall be construed to modify the Commission's rules and policies on the provision of international service under Part 63 of this chapter.

3. The authority citation for Part **22** continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 C.F.R. §§ 154, 303.

APPENDIX D

List of Parties Filing Comments

Party (and Short Title)
 Advanced MobileComm Technologies- Inc. and Digital Spread Spectrum Technologies. Inc. (AMT/DSSS)
 Aeronautical Radio- Inc. (ARINC)
 AllCity Paging. Inc. (AllCity)
 American nobile Telecommunications Association. Inc. (AMTA)
 American Petroleum Institute (American Petroleum)
 Ameritech
 AMSC Subsidiary Corporation (AMSC)
 Arch Communications Group. Inc. (Arch)
 Association of American Railroads (AAR)
 Association of Public-Safety Communications Officials-International, Inc. (APCO)
 Bell Atlantic Companies (Bell Atlantic)
 BellSouth Corporation. BellSouth Telecommunications. Inc., BellSouth Cellular Corp., and nobile Communications Corporation of America (BellSouth)
 Cellular Telecommunications Industry Association (CTIA)
 Celpage, Inc., Network USA, Denton Enterprises, Copeland Communications & Electronics- Inc. and Nationwide Paging (Celpage)
 CenCall Communications Corporation (CenCall)
 Century Cellunet Inc. (Century)
 Comcast Corporation (Comcast)
 Corporate Technology Partners (CTP)
 Cox Enterprises, Inc. (Cox)
 E-F. Johnson Company (E-F. Johnson)
 General Communication. Inc. (GCI)
 Geotek Industries- Inc. (Geotek)
 Grand Broadcasting Corporation (Grand)
 GTE Service Corporation (GTE)
 Hardy & Carey (Hardy)
 Illinois Valley Cellular RSA 2 Partnerships (IVC Partnerships)
 In-Flight Phone Corporation (In-flight)
 Industrial Telecommunications Association, Inc. (ITA)
 Liberty Cellular. Inc. (Liberty)
 Lower Colorado River Authority (LCRA)
 McCaw Cellular Communications, Inc. (McCaw)
 MCI Telecommunications Corporation (MCI)
 Metricom, Inc. (Metricom)
 Mobile Telecommunication Technologies Corp. (Mtel)
 Motorola, Inc. (Motorola)
 MPX Systems (MPX)
 National Association of Business and Educational Radio. Inc. (NABER)
 National Association of Regulatory Utility Commissioners (NARUC)
 National Cellular Resellers Association (NCRA)
 National Telephone Cooperative Association (NTCA)
 New Par
 New York State Department of Public Service (New York)
 Nextel Communications- Inc. (Nextel)
 North Pittsburgh Telephone Company (NPTC)
 NYNEX Corporation (NYNEX)
 Pacific Bell and Nevada Bell (Pacific)
 Pacific Telecom Cellular- Inc. (PTC)
 Pactel Corporation (Pactel)
 Pactel Paging (Pactel Paging)
 Pagemart, Inc. (Pagemart)
 Paging Network, Inc. (PageNet)
 People of the State of California and the Public Utilities Commission Of the State of California (California)
 Personal Radio Steering Group Inc. (PRSG)
 Pioneer Telephone Cooperative. Inc., Pioneer Telecommunications. Inc., and

O.T. & T.

Communications, Inc. (Pioneer)
 PN Cellular, Inc. and Affiliates (PNC)
 PTC Cellular (PTC-C)
 Public Service Commission of the District of Columbia (DC PSC)
 Ram nobile Data USA Limited Partnership (RMD)
 Reed Smith Shaw & McClay (Reed Smith)
 Rig Telephones- Inc. (Rig)
 Roamer One, Inc. (Roamer)
 Rochester Telephone Corporation (Rochester)
 Rockwell International Corporation (Rockwell)
 Rural Cellular Association (Rural Cellular)
 Southwestern Bell Corporation (Southwestern)
 Sprint Corporation (Sprint)
 Starsys Global Positioning- Inc. (Starsys)
 Telephone and Data Systems- Inc. (TDS)
 Telocator. The Personal Communications Industry Association (Telocator)
 Time Warner Telecommunications (Time Warner)
 TRW Inc. (TRW)
 United States Telephone Association (USTA)
 US West
 Utilities Telecommunications Council (UTC)
 Vanguard Cellular Systems- Inc. (Vanguard)
 Waterway Communications System, Inc. (Waterway)

List of Parties Filing Reply Comments

Aeronautical Radio, Inc. (ARINC)
 American nobile Telecommunications Association, Inc. (AMTA)
 American Paging- Inc. (AMP)
 American Petroleum Institute (American Petroleum)
 American Telephone and Telegraph Company (AT & T)
 AMSC Subsidiary Corporation (AMSC)
 ARCH Communication Group (Arch)
 Association of American Railroads (AAR)
 Bell Atlantic Companies (Bell Atlantic)
 BellSouth Corporation. BellSouth Telecommunications- Inc., BellSouth Cellular Corp. and nobile Communications Corp. of America (BellSouth)
 Cellular Telecommunications Industry Association (CTIA)
 CenCall Communications Corporation (CenCall)
 Century Cellunet Inc. (Century)
 E.F. Johnson Company (E.F. Johnson)
 General Communication, Inc. (GCI)
 GTE Service Corporation (GTE)
 In-Flight Phone Corporation (In-Flight)
 Industrial Telecommunications Association, Inc. (ITA)
 McCaw Cellular Communications- Inc. (McCaw)
 MCI Telecommunications Corporation (MCI)
 Metricom, Inc. (Metricom)
 Mobile Marine Radio- Inc. (MMR)
 National Association of Business and Educational Radio, Inc. (NABER)
 Nextel Communications, Inc. (Nextel)
 NYNEX Corporation (NYNEX)
 Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO)
 Pacific Bell and Nevada Bell (Pacific)
 PacTel Paging (Pactel Paging)
 Pactel Corporation (PacTel)
 Pagemart, Inc. (Pagemart)
 Paging Network, Inc. (PageNet)
 Pennsylvania Public Utility Commission (PA PUC)
 PSC of Nevada (Nevada)
 Puerto Rico Telephone Company (PRTC)
 Radiofone Inc. (Radiofone)

Ram nobile Data USA Limited Partnership (RMD)
Roamer One, Inc. (Roamer)
Rochester Telephone Corporation (Rochester)
Rural Cellular Association (Rural Cellular)
RVC Services, Inc., d/b/a Coastel Communications Co. (Coastel)
SACO River Cellular Telephone company (Saco River)
Securicor PMR Systems Ltd. (Securicor)
Southwestern Bell Corporation (Southwestern)
Sprint Corporation (Sprint)
Telephone and Data System Inc. (TDS)
Telocator. The Personal Communications Industry Association (Telocator)
TRW Inc. (TRW)
Two Way Radio of Carolina? Inc. (2-Way)
United States Telephone Association (USTA)
US West
Utilities Telecommunications Council (UTC)
Waterway Communications Systems- Inc. (Waterway)

Inter-Office Memorandum

NEXTEL

TO: Regional Marketing Vice Presidents
FROM: Nextel Legal Department
DATE: August 12, 1999
RE: Telephone Consumer Protection Act ("TCPA")

This is a brief memo outlining obligations imposed by the Federal Communications Commission (the "Commission" or "FCC") and the Telephone Consumer Protection Act of 1991 (the "TCPA"). Please circulate this memo to those who may be affected by these regulations, including your indirect and direct dealers. In addition, this memo will be posted on the Nextel Legal Department's section of the Corporate Repository.

On July 16, 1999 and August 5, 1999, the Common Carrier Bureau's Enforcement Division of the FCC issued Public Notices describing possible violations of the TCPA. Specifically, twelve companies (Headset Discounter, LLC, San Francisco, CA; Get-Aways, Inc., Camarillo, CA; U.S. Notary, El Cajon, CA; Tri-Star Markering, Everett, WA; Carolina Liquidators, Irving, TX; Breaktime, Hollywood, CA; ComFax, New York, NY; CyNet, inc., Houston, TX; Global Wireless, Marco Island, FL; Resort World, Las Vegas, NV; Safire, Inc., San Diego, CA; and Thomas, Thomas, Alexis and Lynn, Houston, TX) were cited *for* sending unsolicited advertisements to consumers' telephone facsimile machines. The citations gave the companies an opportunity to respond and notified them that subsequent violations of the TCPA could result in forfeitures of up to \$11,000.00 per violation. According to the Commission, unsolicited advertisements to facsimile machines is the top TCPA-related complaint at the Commission. Because Nextel and its dealers are subject to the TCPA, we feel it is necessary to provide this brief memo on these federal obligations.

On January 3, 1991, the U.S. Congress amended the Communications Act of 1934, through passage of the TCPA. In 1992, the FCC issued rules interpreting the new law. While there are a number of specific prohibitions in the TCPA that all "persons", including Nextel, are subject to, the following are the main prohibitions that affect Nextel, its direct and indirect dealers:



NEXTEL/COONTZ
000022

- **Unsolicited Facsimiles:** No person may use a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine. However, it is permissible to send facsimiles when there is prior express permission, an invitation/inquiry or an "established business relationship" with the customer or potential customer.
- **Autodialers:** No person may initiate any telephone call (other than a call made for emergency purposes or made with the prior express consent of the called party] using an automatic telephone dialing system or an artificial or prerecorded voice to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call. Two exceptions to this rule are where the customer is not billed for the call or has provided their prior consent to such calls.
- **Calls to Residential Subscribers and "Do-Not-Call" Lists:** No person may initiate a telephone solicitation before the hour of 8 a.m. or after 9 p.m. (local time at the called party's location) to a residential subscriber unless they maintain a "Do-Not-Call" ("DNC") list and follow certain policies. The FCC's DNC rules do not apply to calls placed to business telephone numbers. However, there may also be state laws which require DNC lists for calls placed to business numbers.

In light of the FCC's recent indication that it intends to enforce its existing guidelines, it is especially important that local Nextel personnel and dealers follow these federal guidelines. Because this memo dealt with the broad rules of the TCPA, there may be marketing approaches which may be permissible, but will require further research and/or approval. Should you have further questions about these "gray area" questions, please give Frank Triveri (703-433-4757) or Joel Margolis (703-433-4223) of the Nextel Legal Department a call.

J. GREG COONTZ, PAUL G. BELEW,
BELEW, BROCK & BELEW, et al.

v.

NEXTEL COMMUNICATIONS, INC.,
NEXTEL OF TEXAS, INC. and
AMERICAN BLAST FAX, INC.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

OF JOHNSON COUNTY

249TH JUDICIAL DISTRICT

**Index of 130 Nextel Pre-Approval and Reimbursement Forms,
48 American Blast Fax Invoices and 10 ABF Advertising
Agreements contained in Nextel's Files (IN TEXAS ALONE)**

Dealer and Total Number of Nextel Fax Advertising Approvals contained in
Nextel's files pertaining to that dealer.

Direct Net/Direct Connect Communications: 19

Nextel/Coontz bates number(s): 122, 128, 136, 186, 197, 217, 223, 227, 233, 238, 244,
250, 255, 260, 265, 1135, 1186, 1178, 1192

Constant Communication: 1

Nextel/Coontz bates number(s): 475

Can-Am Communication: 2

Nextel/Coontz bates number(s): 1213, 1221

Communication Consultants: 3

NexTEUCoontz bates number(s): 480, 485, 491

Wireless Concepts: 3

Nextel/Coontz bates number(s): 153, 158, 168

Houston Communications: 3

Nextel/Coontz bates number(s): 283, 290, 297

Radio Resource: 3

NexTEUCoontz bates number(s): 302, 309, 1085

Airwave Communications: 4

NexTEUCoontz bates number(s): 315, 327, 334, 1021

American Tele-Management: 2

Nextel/Coontz bates number(s): 340, 346



Anytime Anywhere Communications: 2
Nextel/Coontz bates number(s): 351, 356

Beyond Cellular: 1
NexteUCoontz bates number(s): 368

Wireless Connection: **59**
Nextel/Coontz bates number(s): 392, 550, 555, 560, 564, 568, 571, 585, 597, 609, 619, 626, 635, 645, 661, 673, 697, 709, 720, 727, 734, 740, 747, 751, 756, 762, 767, 771, 776, 782, 789, 803, 795, 809, 816, 825, 828, 830, 839, 846, 852, 860, 868, 879, 895, 898, 925, 937, 945, 955, 967, 977, 1035, 1049, 1062, 1080, 1124, 1130, 1156, 1170

Capital Wireless: **18**
Nextel/Coontz bates number(s): 372, 384, 401, 415, 427, 434, 437, 439, 444, 449, 453, 457, 461, 987, 1014, 1041, 1116, 1140

Future Systems: 10
Nextel/Coontz bates number(s): 497, 506, 511, 516, 526, 529, 534, 543, 1002, 1008

American Blast Fax Contracts contained in Nextel's tiles

Direct Net Communications: 3
NexteUCoontz bates number(s): 129, 139, 1193

Radio Resource: 3
Nextel/Coontz bates number(s): 304, 311, 1087

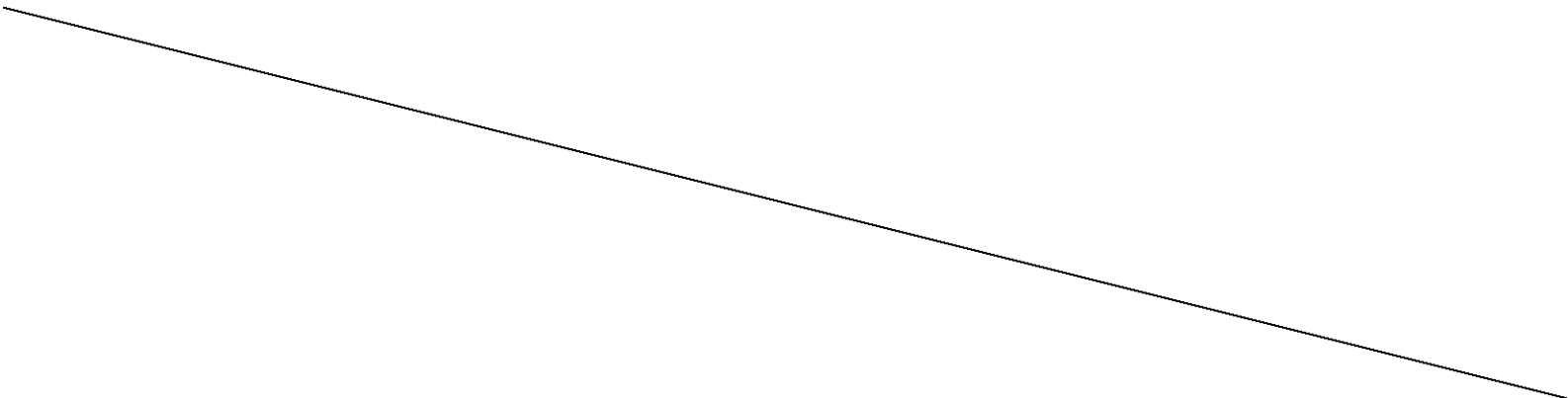
Wireless Connection: 3
Nextel/Coontz bates number(s): 579, 798, 1061

Future Systems: 1
NexteUCoontz bates number(s): 998

American Blast Fax Invoices contained in Nextel's Files

Direct Net: 11
Radio Resource: 2
Wireless Connection: 35
Future Systems: 1
Capital Wireless: 3
Can-Am: 2

THE VAST MAJORITY OF ALL THESE DOCUMENTS PRE-DATE AUGUST **1**, 2000, THE DATE BEFORE WHICH NEXTEL REPRESENTED TO THIS COURT IT HAD NO KNOWLEDGE OF FAX ADVERTISING BY ITS DEALERS



4

NEXTEL**A. Pre-approval and Reimbursement Form**

Company Name: Direct Connect Communications, Inc. Agent Code: SCEIN15X
 Address: 8705 Katy Fwy., Ste. B City: Houston State: TX Zip: 77024
 Contact Name: Diane Barrick Phone: () 578-8446 Fax: () (361) 578-8042
 Nextel Indirect Account Manager Name: Fred Hamilton

B. Pre-approval**1. Check box for media type**

Newspaper Ads	Outdoor	Radio	Trade Shows	Signage
Newspaper Inserts	Direct Mail	Television	Premiums	Other Specific
Magazine Ads	Yellow Pages	Internet	Banners	Fax Blast

2. Fill in information below

Planned Start Date	<u>4/17/00</u>	Planned End Date	<u>4/17/00</u>
Anticipated Expense	<u>\$ 2000.00</u>		

3. AR Signature Fred Hamilton Date 4/13/00
 4. Attach documentation required in Nextel Authorized Representative Co-operative Advertising Guidelines.
 5. Submit form with Sections A and B completed to Nextel c/o CoAMs, 770 N. Halsted Street No. 508, Chicago, IL 60622. Fax 312-243-2531. Tel 800-621-7332. Retain copy of form and resubmit as your reimbursement form.

Approval # 374**C. Reimbursement**America D. Schs 4-18-00(100%)**1. Fill in information below**

Media Type	Vendor Name	Date(s) Run	Invoice Total	Eligible %	Amount Due
<u>Fax Blast</u>	<u>American</u>	<u>4/17/00</u>	<u>2000.00</u>	<u>100 %</u>	<u>\$ 2000.00</u>
	<u>Blast Fax</u>			<u>%</u>	<u>\$</u>
				<u>%</u>	<u>\$</u>
				<u>%</u>	<u>\$</u>
				<u>%</u>	<u>\$</u>
					Total Claim: <u>\$ 2000.00</u>

2. AR Signature Fred Hamilton Date 4/20/00
 3. Attach documentation required in Nextel Authorized Representative Co-op Advertising Program Guidelines.
 4. Submit form with Sections A, B, and C completed to Nextel c/o CoAMs, 770 N. Halsted Street No. 508, Chicago, IL 60622. Fax 312-243-2531 Tel 800-621-7332.
 Claim must meet all requirements to qualify for reimbursement.

BUY ONE GET ONE FREE!

FREE DOMESTIC WIRELESS LONG DISTANCE INCLUDED • UNLIMITED Nextel DIRECT CONNECT® PRIVATE CALLING

600 DIGITAL CELLULAR MINUTES

800 DIGITAL CELLULAR MINUTES

1200 DIGITAL CELLULAR MINUTES

\$69.95
MONTHLY ACCESS

\$89.95
MONTHLY ACCESS

\$129.95
MONTHLY ACCESS

REQUIRES NEW ACTIVATION AND ENROLLMENT IN A Nextel NATIONAL BUSINESS PLAN™
Offer valid thru 4-31-00

get CONNECTED

- No roaming charges on the Nextel National Network
- Cellular calls rounded to the nearest second, after the first minute
- Nextel Direct Connect® is the fastest way to communicate
- Nextel Direct Connect® airtime pools across different rate plans
- Digital two way radio, digital cellular phone and pager all-in-one



(713)647-7774

8705 KATY FWY • STE. B • HOUSTON 77024

**WIRELESS INTERNET
ACCESS NOW AVAILABLE**

NEXTEL

How business gets done.™

Activation fees and rate plan restrictions apply. Limited time offer. ©1999 Nextel Communications, Inc. All rights reserved. Nextel, the Nextel logo, Nextel Direct Connect and HOW BUSINESS GETS DONE are registered trademarks and/or service marks of Nextel Communications, Inc.

NEXTELKOONTZ

000123

Reference	Media Name	Ad Date	Fund	Product Description	Charged	Approved	Rate
1758 374	AMERICAN ELAST FAX	04/20/2000	COOP	NEXTEL IMAGE (LOGO ONLY)	2000.00	2000.00	2000.00

NEXTELKOONTZ
000127

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND

NEXTEL
AUTHORITY FOR ALL COMMUNICATIONS
2001 EDWARD HALLEY DRIVE
BOSTON, MA 02191

DIRECT COMMUNICATIONS
8700 ROUTE 201
BOSTON, MA 02191

PAY TO THE ORDER OF

CHECK DATE: 05/23/2000

CHECK AMOUNT: \$ 2,000.00

AUTHORIZED SIGNATURE

NEXTEL

A. Pre-approval and Reimbursement Form

Company Name: Direct Connect Communications, Inc. Account Code: SCEIN15X
Address: 8705 Katy Fwy., Ste. B City: Houston State: TX Zip: 77024
Contact Name: Diane Barrick Phone: () 578-6446 Fax: () (361) 578-8042
Nextel Indirect Account Manager Name: John Patton

B. Pre-approval

1. Check box for media type

Newspaper Ads	<input type="checkbox"/>	Outdoor	<input type="checkbox"/>	Radio	<input type="checkbox"/>	Trade Shows	<input type="checkbox"/>	Signage	<input type="checkbox"/>
Newspaper Inserts	<input type="checkbox"/>	Direct Mail	<input type="checkbox"/>	Television	<input type="checkbox"/>	Premiums	<input type="checkbox"/>	Other Specify	<input type="checkbox"/>
Magazine Ads	<input type="checkbox"/>	Yellow Pages	<input type="checkbox"/>	Internet	<input type="checkbox"/>	Banners	<input type="checkbox"/>	Fox Blast	<input checked="" type="checkbox"/>

2. Fill in information below

Planned Start Date	<u>5/8/00 + 5/22/00</u>	Planned End Date	<u>5/8/00 + 5/22/00</u>
Anticipated Expense	<u>\$ 3,000.00</u>		

3. AR Signature Glenn Plawman Date 5/2/00
4. Attach documentation required in Nextel Authorized Representative Co-operative Advertising Guidelines.
5. Submit form with Sections A and B completed to Nextel c/o CoAMs, 770 N. Halsted Street No. 508, Chicago, IL 60622. Fax 312-234-2531. Tel 800-621-7332. Retain copy of form and resubmit as your reimbursement form.

approved

4/10

100%

C. Reimbursement

1. Fill in information below

Media Type	Vendor Name	Date(s) Run	Invoice Total	Eligible %	Amount Due
<u>Fox Blast</u>	<u>American</u>	<u>5/8 + 5/22</u>	<u>3000.00</u>	<u>100 %</u>	<u>\$ 3000.00</u>
	<u>Fox Blast</u>			<u>%</u>	<u>\$</u>
				<u>%</u>	<u>\$</u>
				<u>%</u>	<u>\$</u>
				<u>%</u>	<u>\$</u>
					Total Claim: <u>\$ 3000.00</u>

2. AR Signature Glenn Plawman Date 5/2/00
3. Attach documentation required in Nextel Authorized Representative Co-op Advertising Program Guidelines.
4. Submit form with Sections A, B, and C completed to Nextel c/o CoAMs, 770 N. Halsted Street No. 508, Chicago, IL 60622. Fax 312-234-2531 Tel 800-621-7332.
Claim must meet all requirements to qualify for reimbursement.



American Blast Fax

Advertising Agreement

This agreement entered into on 5/2/00 by American Blast Fax (the Provider) and
DIRECT NET COMMUNICATIONS (the Advertiser)

8705 KATY FWY., STE. B (213 MICHAEL ST.) (Address)
HOUSTON, TX 77024 (INEZ, TX 77960) (City, State, Zip Code)
713-647-7774 713-647-7780
- 78-8446 (Telephone Number) 361-578-9042 (Fax Number)

for the express purpose of Fax Advertising. Provider agrees to send a total of 60,000 fax
advertisements for advertiser to active fax reception devices in the HOUSTON (City)
Metro area during the period beginning: 5/8/00

Advertiser agrees to pay American Blast Fax as follows:

By Credit Card:

I authorize my credit card to be charged \$ 3,000.00 Expiration Date 02/02
Credit Card Name & Number 3732 743299 51016 DIRECT NET/DIANE BARRICK
I understand that this charge is for reserving day(s) and time(s) to run fax ads and is non-refundable.

Authorized Signature (Required) (X) Diane Barrick

By Check:

Check Number Amount \$

Special Conditions: To insure the quality and integrity of each ad, American Blast Fax recommends each
advertiser provide camera ready logos / art work or a WordPerfect or Microsoft Word digital file. Aggressive
offers are recommended to insure customer responsiveness. Any ad change made after final proof will result in
a \$50.00 Service Charge. WAIVED

Advertising Terms: All fax advertising will follow a predetermined schedule. Specific times and dates cannot
be determined. All scheduled fax ad transmissions will correspond to a specific period in days.

Start Date 5/8 Number of days 2

(X) Diane Barrick 5/2/00

Advertiser's Signature (Date)

Matt Bach 5/2/00

For American Blast Fax, Inc. (Date)

American Blast Fax 16200 Addison Road, Suite 250 Addison, Texas 75001
(972) 733-4400 (877) 9FAXADS (877) 932-9237 Fax (972) 381-7010

NEXTELKOONTZ

BUY ONE GET ONE FREE!

FREE DOMESTIC WIRELESS LONG DISTANCE INCLUDED • UNLIMITED Nextel Direct Connect™ Digital Two Way Radio

600 DIGITAL CELLULAR MINUTES	800 DIGITAL CELLULAR MINUTES	1200 DIGITAL CELLULAR MINUTES
\$69.95 MONTHLY ACCESS	\$89.95 MONTHLY ACCESS	\$129.95 MONTHLY ACCESS

REQUIRES NEW ACTIVATION AND ENROLLMENT IN A Nextel NATIONAL BUSINESS PLAN™
Offer valid thru 5-31-00

get CONNECTED

- No roaming charges on the Nextel National Network
- Cellular calls rounded to the nearest second, after the first minute
- Nextel Direct Connect® is the fastest way to communicate
- Nextel Direct Connect® anytime pools across different rate plans
- Digital two way radio, digital cellular phone and pager all-in-one

DIRECTNET

COMMUNICATIONS, INC.



(713) 647-7774

8705 KATY HWY • STE. 8 • HOUSTON 77024

WIRELESS INTERNET

ACCESS NOW AVAILABLE

NEXTEL

AUTHORIZED RETAILER

How business gets done.™

Activation fees and rate plan restrictions apply. Limited time offer. ©1999 Nextel Communications, Inc. All rights reserved. Nextel, the Nextel logo, Nextel Direct Connect and HOW BUSINESS GETS DONE, are registered trademarks and/or service marks of Nextel Communications, Inc.

For additional information, fax this form to: 713-225-5103

Name _____ Phone: _____

Fax _____ Best time to call: _____

NEXTELKOONTZ

nnn130

CoANSI---Reference- Media Name----- Ad Date--- Fund---- Product Description----- Claimed-----Approved-----Paid-----
 00000799 410 AMERICAN BLAST FAX 05/24/2000 COOP NEXTEL IMAGE (LOGO ONLY) 3000.00 3000.00 2994.19
 PAID TO ACCRUAL/PRIOR LIMIT.

009847

NEXTEL/COONTZ
 000134

THE FACE OF THIS CHECK WAS A COLORED BACKGROUND

NEXTEL

BankBoston Maine, N.A.
 South Portland, ME

009847

009847

CHECK DATE	CHECK AMOUNT
05/24/2000	\$ 3,000.00

PAY TO THE ORDER OF DIRECT COMMNET COMMUNICATIONS
 8745 NATE PAY BLDG 78
 HOUSTON TX 77028

[Signature]

AUTHORIZED SIGNATURE

009847 00112015390 AD 001

--Reference--	Media Name-----	Ad Date---	Fund----	Product Description-----	Claimed-----	Approved-----	010817
B 410	AMERICAN BLAST FAX	05/04/2000	COOP	NEXTEL IMAGE (LOGO ONLY)	5.21	5.21	5.21

NEXTELKOONTZ
000135

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND

NEXTEL

50-153

010817

CHECK DATE	CHECK AMOUNT

[Signature]

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE